

LITCHFIELD CAVO LLP

An Illinois Limited Liability Partnership

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Attorneys for Defendants,

St. Paul Fire and Marine Insurance Company and

The Travelers Companies, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

PETER INNES and VICTORIA :
SOLENNIE INNES, by her Guardian, :
PETER INNES :

Plaintiffs, :

v. :

ST. PAUL FIRE AND MARINE :
INSURANCE COMPANY, and :
TRAVELERS COMPANIES, INC. :

Defendants. :

CASE NO.

Civil Action

NOTICE OF REMOVAL

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

Defendants, St. Paul Fire and Marine Insurance Company and The Travelers Companies, Inc. (collectively "St. Paul"), pursuant to 28 U.S.C. §§ 1441, 1446 and 1332, hereby give notice of removal of this action from the Superior Court of New Jersey, Bergen County, New Jersey and states as follows:

1. On or about October 5, 2011, Plaintiffs, Peter Innes and Victoria Solenne Innes, commenced an action by the filing of a complaint against St. Paul in the Superior Court of New Jersey, Bergen County, New Jersey designated as Docket No. L8388-11 and entitled, *Peter Innes, et al v. St. Paul Fire and Marine Ins. Co., et al* (the "Complaint"). A copy of the Complaint is attached

as Exhibit A.

2. Venue is proper in this Court pursuant to 28 U.S.C. § 1441(a), because this Court's district and division embrace the Superior Court of New Jersey, Bergen County, New Jersey.

3. St. Paul's attorney received a copy of the Complaint on December 13, 2011, and accepted service of the Complaint on behalf of St. Paul on December 19, 2011. A copy of the letter enclosing the Complaint received by St. Paul's attorneys on December 13, 2011 is attached as Exhibit B. St. Paul's attorneys' acknowledgment of service, dated December 19, 2011, is attached as Exhibit C. St. Paul files this Notice of Removal within thirty (30) days from the date its attorneys received a copy of the Complaint. This Notice of Removal is, therefore, timely filed pursuant to 28 U.S.C. § 1446(b).

4. Plaintiff Peter Innes is an individual who resides at 222 Myers Ave., Hasbrouck Heights, New Jersey and is a citizen of the State of New Jersey. Victoria Solenne Innes is, on information and belief, a resident, citizen or subject of Spain. Plaintiff Peter Innes, in his representative capacity as Guardian of Victoria Solenne Innes, is therefore, on information and belief, a citizen of Spain, pursuant to 28 U.S.C. § 1332(c)(2).

5. Defendant St. Paul Fire and Marine Insurance Company is a Connecticut corporation with its principal place of business located in Connecticut. Defendant, Travelers Companies, Inc., is a Connecticut corporation with its principal place of business located in Connecticut. Defendants are, therefore, citizens of Connecticut, pursuant to 28 U.S.C. § 1332(c)(1).

6. Plaintiffs allege in the Complaint that Plaintiffs filed a malpractice action against an attorney and her law firm who were covered under a professional liability policy of insurance issued by St. Paul Fire and Marine Insurance Company. In their Complaint, Plaintiffs further allege that the legal malpractice action against St. Paul's purported insureds resulted in a jury verdict, entered on

May 10, 2011, in favor of Plaintiffs in the total amount of \$1,416,520.93. Plaintiffs seek a declaration that they are third-party beneficiaries of the insurance policy allegedly issued to the defendants in the Plaintiffs' legal malpractice action, and further seek damages against St. Paul in the full amount of the judgment entered in the legal malpractice action.

7. The above-entitled action is a civil action over which this Court has subject matter jurisdiction under the provisions of 28 U.S.C. § 1332, as it involves citizens of different states and/or a citizen of a foreign state, and the matter in controversy exceeds \$75,000. Consequently, removal of this action is appropriate under 28 U.S.C. § 1441(a).

8. Concurrent with the filing of this Notice of Removal, St. Paul is providing notice to all adverse parties and the Clerk of the Superior Court of New Jersey, Bergen County, New Jersey, pursuant to 28 U.S.C. § 1446(d).


9. No change in the citizenship of the parties has occurred since this action was originally filed. Defendants are not citizens of the state in which this action was originally brought, *i.e.*, New Jersey.

10. All Defendants properly joined and served have joined in this Notice of Removal.

WHEREFORE, Defendants St. Paul Fire and Marine Insurance Company and The Travelers Companies, Inc. give notice that the above described action pending in the Superior Court of New Jersey, Bergen County, New Jersey is being removed therefrom to this Court.

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Dated: January 12, 2012

Attorneys for Defendants St. Paul Fire and Marine
Insurance Company and The Travelers Companies, Inc.